

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: POLICE

AGENDA DATE: 08/09/05

CONTACT PERSON/PHONE: ASSISTANT CHIEF PAUL CROSS / 564-7310

DISTRICT(S) AFFECTED: ALL

SUBJECT:

APPROVE an ordinance mandating that all gasoline vendors require pre-payment for fuel purchases.

BACKGROUND / DISCUSSION:

In 2003, the City experienced over 3,000 gasoline drive-off thefts, commonly referred to as "gas-runs." Efforts were begun to seek voluntary vendor participation relating to the implementation of pre-payment requirements for fuel. To-date, a substantial portion of vendors have voluntarily implemented such a policy, reducing the number of gasoline drive-off thefts by half. An ordinance requiring that all vendors comply with this crime prevention mechanism is required in order to eliminate the remaining 1500 thefts, which continue to negatively impact the City in terms of police resources required to respond to and investigate these crimes, detracting from proactive policing efforts, as well as costing the citizens of El Paso many thousands of dollars in economic loss each year.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

Implementation of this item will not require additional funding. The Police Department has been, and will continue to, work with local fuel vendors relating to program implementation as well as public education efforts.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

AN ORDINANCE AMENDING TITLE 5
(BUSINESS TAXES, LICENSES, AND REGULATIONS),
CHAPTER 5.36 (GASOLINE FILLING STATIONS) OF THE
EL PASO MUNICIPAL CODE TO AMEND AND ADD PROVISIONS
RELATING TO DEFINITIONS, REQUIREMENT THAT ALL GASOLINE FILLING
STATIONS MUST RECEIVE PAYMENT FOR FUEL PRIOR TO ALLOWING DISPENSING
OF FUEL; SUSPENSION AND REVOCATION OF LICENSE; THE PENALTY BEING AS
PROVIDED IN SECTION 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE

WHEREAS, a significant number of motorists in the City of El Paso have driven into business establishments that sell gasoline and/or diesel fuel and immediately drive off after filling their tanks without paying for same; and

WHEREAS, for the year of 2003 the City of El Paso's crime statistics evidence recorded approximately 3,000 thefts as a result of gas/diesel fuel drive offs without paying, and

WHEREAS, the El Paso Police Department expanded its education program in April of 2004, informing business establishments within the City of El Paso as preventative measures that can be taken to eliminate the risks of these crimes by requiring payment for fuel before customers are allowed to pump the fuel; and

WHEREAS, a significant percentage of the businesses within the City of El Paso have voluntarily initiated prepay policies and for the year of 2004 the City of El Paso's crime statistics evidence of these crimes dropped to approximately 1500 thefts as a direct result of the voluntary implementation of requirement to pre-pay for fuel; and

WHEREAS, this type of crime results in significant costs in terms of man hours/time expended by City of El Paso police officers and administrative resources associated therewith; and

WHEREAS, these crimes detract from proactive policing in regards to other community matters and more serious crimes; and

WHEREAS, these crimes adversely impact the City of El Paso's Uniform Crime Reporting Statistics; and

WHEREAS, these crimes result in significant costs paid by the City of El Paso and its citizens/taxpayers; and

WHEREAS, fuel thefts have the potential of escalating to more serious crimes and creates a greater risk of harm to the victim, officers, offender, and to the general public as a direct result of this type of crime.

WHEREAS, fuel thefts, seriously and significantly result in loss of revenues to owners and operators of gasoline filling stations.

WHEREAS, El Paso City Council finds that this type of crime can be addressed and, in fact, eliminated through the adoption of an ordinance mandating a pre-pay policy for gasoline filling stations; and

WHEREAS, El Paso City Council further finds that an ordinance requiring pre-payment for fuel is in the best interest of the City of El Paso and its citizens and is designed to promote the public safety and welfare of it's citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Section 5.36.010 (Definitions) be amended and section D. added to read as follows:

Section 5.36.010 D. "Pre-pay" means payment in advance for any quantity of gasoline or diesel fuel sold at any time by cash, credit card, debit card, check or any other legal means.

Section 2. That Section 5.36.021 (Pre-Pay-Required) be added to read as follows:

5.36.021. All businesses that sell gasoline or diesel fuel shall require payment in advance (Pre-pay) of sales of fuel prior to activation or authorization of any fuel dispensing unit or fuel pumping device. Refusal or failure to comply with this requirement shall result in the denial of an application pursuant to Section 5.36.030 and shall be a basis for the suspension or revocation of a license pursuant to Section 5.36.090.

Section 3. Except as herein amended, Chapter 5.36.090 (License—Suspension and Revocation) be amended as follows.

5.36.090. The fire chief, deputy director for building services and any other duly authorized inspector or police officer of the city, shall, at all reasonable times, have access to the premises of any gasoline filling station for the purpose of determining whether or not all applicable city ordinances are being complied with, and failure on the part of any gasoline filling station to comply with such ordinances shall be reported to the Deputy City Manager for Financial and Administrative Services, who may suspend or revoke any license issued hereunder, if the Deputy City Manager or designee shall determine that there has been any such failure. Before suspending or revoking any such license, however, the Deputy City Manager or designee shall notify the licensee in writing, of the charge or charges against the

licensee and afford such licensee an opportunity to be heard, in person or by counsel, with reference to such charges.

Section 4. Except as herein amended, Chapter 5.36 (Gasoline Filling Stations) of the El Paso Municipal Code, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2005.

THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Ernesto Rodriguez
Assistant City Attorney

APPROVED AS TO CONTENT:

Richard Wiles
Chief of Police

ORDINANCE NO. _____